

1 KATHRYN KENEALLY
2 Assistant Attorney General

3 VIRGINIA CRONAN LOWE
4 LINDSAY L. CLAYTON
5 ANNE E. NELSON
6 Trial Attorneys, Tax Division
7 U.S. Department of Justice
8 P.O. Box 683
9 Ben Franklin Station
10 Washington, D.C. 20044-0683
Telephone: (202) 307-6484
(202) 307-2956
(202) 514-6632
Facsimile: (202) 307-0054
virginiacronan.lowe@usdoj.gov
lindsay.l.clayton@usdoj.gov
anne.e.nelson@usdoj.gov

11 Of Counsel:
12 DANIEL BOGDEN
United States Attorney

13 *Counsel for the United States of America*

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 HUTCHINS DRYWALL INC.,) Civil No. 2:10-cv-497-MMD-VCF
17 Plaintiff & Counterclaim Defendant,)
18 v.) JOINT MOTION TO TAKE PENDING
19 UNITED STATES OF AMERICA) DATES OFF CALENDAR
20 Defendant & Counterclaim Plaintiff.)
21 _____)

22 Plaintiff and Counterclaim Defendant Hutchins Drywall, Inc. (“Hutchins”) and Defendant and
23 Counterclaim Plaintiff the United States of America (“United States”) by and through their undersigned
24 counsel, hereby move the Court to take all pending dates off calendar while the parties work towards a
25 settlement of this matter. The parties submit the following in support of this motion:

- 26 1. Hutchins submitted a written offer to the United States to settle this suit. The parties are still
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1 negotiating the specific terms with regard to a possible settlement. In order to consider the offer, it was
2 necessary for the United States to request additional information from the Internal Revenue Service. The
3 Internal Revenue Service is in the process of obtaining the requested information.

4 2. The Court amended the scheduling order on July 5, 2012, and in accordance with the order the
5 following deadlines are currently in effect:

Discovery Cut-Off Date	November 21, 2012
Fed.R.Civ.P. 26(a)(2) Disclosures (Rebuttal Experts)	October 22, 2012
Dispositive Motions	January 7, 2012
Pre-trial Order	February 4, 2012

10 3. Following the Tax Division's procedures for reviewing a settlement offer in this type of case,
11 after trial counsel makes their recommendation of the offer, it will go to the Chief of the Trial Section. If
12 the Trial Section believes the offer merits acceptance, it will recommend acceptance of the offer and
13 forward it to the Office of Review of the Tax Division. If the Office of Review believes the offer merits
14 acceptance, it will recommend acceptance of the offer and then forward it to the Assistant Attorney
15 General of the Tax Division. If the Assistant Attorney General of the Tax Division believes the offer
16 merits acceptance, it will recommend acceptance of the offer and forward it to the Associate Attorney
17 General for final action.

18 4. Because of the several steps involved, the procedures described in paragraph 3, above, may
19 take several months to complete.

20 5. Accordingly, the parties request that this Court stay this case and immediately suspend all
21 deadlines so that the parties can work on a settlement of this matter without incurring any additional
22 costs and expenses associated with trial preparation.

23 6. If the settlement offer is ultimately accepted, the parties will jointly move for dismissal of this
24 action with prejudice.

25 7. The parties suggest that the Court order that the parties submit a joint status report in ninety
26 (90) days, in the event that the parties have not yet jointly moved for dismissal of this action by that time.
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8. Although the Court has allowed the parties several extensions of the scheduling order, this is the first request for a stay of this action by the parties. The parties make this motion in good faith and for the purpose of attempting to resolve this action through settlement, without incurring any further costs, and not for purposes of delay.

Dated: October 18, 2012

BAILUS COOK & KELESIS, LTD.

KATHRYN KENEALLY
Assistant Attorney General

/s/ George P. Kelesis
GEORGE P. KELESIS, ESQ.
Nevada State Bar No. 000069
400 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
Attorneys for Plaintiff/Counterclaim Defendant

/s/ Virginia Cronan Lowe
VIRGINIA CRONAN LOWE
LINDSAY L. CLAYTON
ANNE E. NELSON
Trial Attorneys, Tax Division
U.S. Department of Justice
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044

Of Counsel:
DANIEL BOGDEN
United States Attorney

*Attorneys for Defendant/
Counterclaim plaintiff*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HUTCHINS DRYWALL INC.,) Civil No. 2:10-cv-497-MMD-VCF
Plaintiff & Counterclaim Defendant,)
v.) ORDER
UNITED STATES OF AMERICA)
Defendant & Counterclaim Plaintiff.)

)

Upon consideration of the Joint Motion To Take Pending Dates Off Calendar, and for good cause shown,

IT IS HEREBY ORDERED that the scheduled dates set forth in the Order Extending Case Deadlines (Dkt. No. 40) are taken off calendar and this action is stayed;

IT IS FURTHER ORDERED that the parties shall file a Joint Status Report on or before January 21, 2013.

Dated: 10-22-2012



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE